

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1127 of 2016**

Horilal S/o Chowaram Mandle, Aged about 32 years, R/o Arjunda P.S.
Arjunda, Distt.Balod (CG)

---Applicant

Versus

State of Chhattisgarh-Through District Magistrate, District-Durg (CG)

---Non-applicant

For Applicant	:	Mr. P.R.Patankar, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/03/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.393/2015, registered at Police Station-Utai, District-Durg (CG), for the offence punishable under Sections 363, 365 and 323/34 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant along with other co-accused persons kidnapped one Chitrasen Devdas on 13.11.2015 and wrongfully confined him secretly and thereby committed the offence to extract the money.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the co-accused Smt.Asha Devdas, Smt.Neelam Devdas, Tirathram Devdas, Kamal Kishore Devdas and Yuvram Devdas have been released on bail

by this Court vide order dated 4.2.2016 in M.Cr.C.Nos.418 and 456 of 2016, the present applicant is in jail since 14.11.2015 and charge-sheet has already been filed, therefore, he may also be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that co-accused have been released on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-